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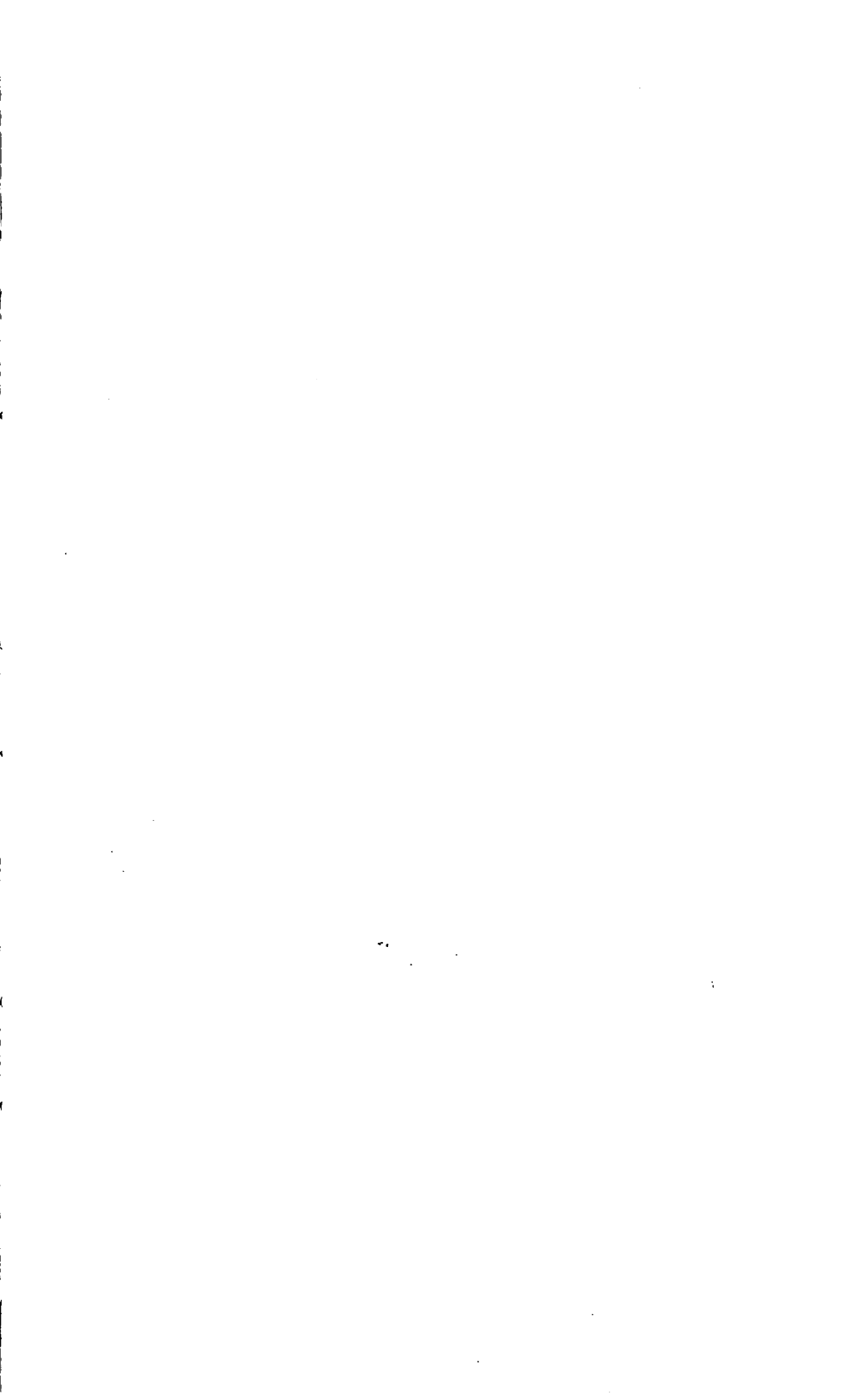
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8TH CONGRESS,
2d Session.

SENATE.

DOCUMENT
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ISTHMIAN CANAL

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MESSAGE

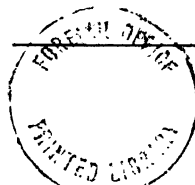
FROM THE

PRESIDENT OF THE UNITED STATES

TRANSMITTING

A STATEMENT OF ACTION IN EXECUTING THE ACT
ENTITLED "AN ACT TO PROVIDE FOR THE CON-
STRUCTION OF A CANAL, CONNECTING THE
WATERS OF THE ATLANTIC AND PACIFIC
OCEANS," APPROVED JUNE 28, 1903.

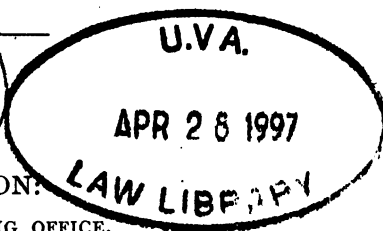
JANUARY 4, 1904.—Read; and ordered to be printed.



WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.



MESSAGE.

To the Senate and House of Representatives:

I lay before the Congress for its information a statement of my action up to this time in executing the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

By the said act the President was authorized to secure for the United States the property of the Panama Canal Company and the perpetual control of a strip 6 miles wide across the Isthmus of Panama. It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia * * * within a reasonable time and upon reasonable terms, then the President" should endeavor to provide for a canal by the Nicaragua route. The language quoted defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions. The proper position for the United States to assume in reference to this canal, and therefore to the governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858.

In my Annual Message I have already quoted what Secretary Cass said; but I repeat the quotation here, because the principle it states is fundamental:

While the rights of sovereignty of the states occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.

The principle thus enunciated by Secretary Cass was sound then and it is sound now. The United States has taken the position that no other Government is to build the canal. In 1889, when France proposed to come to the aid of the French Panama Company by guaranteeing their bonds, the Senate of the United States in executive session, with only some three votes dissenting, passed a resolution as follows:

That the Government of the United States will look with serious concern and disapproval upon any connection of any European government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world. The guarantee included as a matter of course the building of the canal. The enterprise was recognized as responding to an international need; and it would be the veriest travesty on right and justice to treat the governments in possession of the Isthmus as having the right in the language of Mr. Cass, "to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them."

When this Government submitted to Colombia the Hay-Herran treaty three things were, therefore, already settled.

One was that the canal should be built. The time for delay, the time for permitting the attempt to be made by private enterprise, the time for permitting any government of anti-social spirit and of imperfect development to bar the work, was past. The United States had assumed in connection with the canal certain responsibilities not only to its own people, but to the civilized world, which imperatively demanded that there should no longer be delay in beginning the work.

Second. While it was settled that the canal should be built without unnecessary or improper delay, it was no less clearly shown to be our purpose to deal not merely in a spirit of justice but in a spirit of generosity with the people through whose land we might build it. The Hay-Herran treaty, if it erred at all, erred in the direction of an over-generosity towards the Colombian Government. In our anxiety to be fair we had gone to the very verge in yielding to a weak nation's demands what that nation was helplessly unable to enforce from us against our will. The only criticisms made upon the Administration for the terms of the Hay-Herran treaty were for having granted too much to Colombia, not for failure to grant enough. Neither in the Congress nor in the public press, at the time that this treaty was formulated, was there complaint that it did not in the fullest and amplest manner guarantee to Colombia everything that she could by any color of title demand.

Nor is the fact to be lost sight of that the rejected treaty, while generously responding to the pecuniary demands of Colombia, in other respects merely provided for the construction of the canal in conformity with the express requirements of the act of the Congress of June 28, 1902. By that act, as heretofore quoted, the President was authorized to acquire from Colombia, for the purposes of the canal, "perpetual control" of a certain strip of land; and it was expressly required that the "control" thus to be obtained should include "jurisdiction" to make police and sanitary regulations and to establish such judicial tribunals as might be agreed on for their enforcement. These were conditions precedent prescribed by the Congress; and for their fulfillment suitable stipulations were embodied in the treaty. It has been stated in public prints that Colombia objected to these stipulations, on the ground that they involved a relinquishment of her "sovereignty;" but in the light of what has taken place, this alleged objection must be considered as an afterthought.

In reality, the treaty, instead of, requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed, and preserved her sovereignty over it. The treaty in this respect simply proceeded on the lines on which all the negotiations leading up to the present situation have been conducted. In those negotiations the exercise by the United States, subject to the paramount rights of the local sovereign, of a substantial control over the canal and the immediately adjacent territory, has been treated as a fundamental part of any arrangement that might be made. It has formed an essential feature of all our plans, and its necessity is fully recognized in the Hay-Pauncefote treaty. The Congress, in providing that such control should be secured, adopted no new principle, but only incorporated in its legislation a condition the importance and propriety of which were universally recognized. During all the years of negotiation and discussion that preceded the conclusion of the Hay-Herran treaty, Colombia never intimated that the requirement by the United States of control over the canal strip would render unattainable the construction of a canal by way of the Isthmus of Panama; nor were we advised, during the months when legislation of 1902 was pending before the Congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated for in the Hay-Herran treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable treaty at all. Such refusal therefore squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the Isthmus.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control are shown by the unanimity of action in the new Panama Republic. Furthermore, Colombia, after having rejected the treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the status quo could be restored. One of the men standing highest in the official circles of Colombia, on November 6, addressed the American minister at Bogota, saying that if the Government of the United States would land troops to preserve Colombian sovereignty and the transit, the Colombian Government would "declare martial law; and, by virtue of vested constitutional authority, when public order is disturbed, [would] approve by decree the

ratification of the canal treaty as signed; or, if the Government of the United States prefers, [would] call extra session of the Congress—with new and friendly members—next May to approve the treaty.” Having these facts in view, there is no shadow of question that the Government of the United States proposed a treaty which was not merely just, but generous to Colombia, which our people regarded as erring, if at all, on the side of overgenerosity; which was hailed with delight by the people of the immediate locality through which the canal was to pass, who were most concerned as to the new order of things, and which the Colombian authorities now recognize as being so good that they are willing to promise its unconditional ratification if only we will desert those who have shown themselves our friends and restore to those who have shown themselves unfriendly the power to undo what they did. I pass by the question as to what assurance we have that they would now keep their pledge and not again refuse to ratify the treaty if they had the power; for, of course, I will not for one moment discuss the possibility of the United States committing an act of such baseness as to abandon the new Republic of Panama.

Third. Finally the Congress definitely settled where the canal was to be built. It was provided that a treaty should be made for building the canal across the Isthmus of Panama; and if, after reasonable time, it proved impossible to secure such treaty, that then we should go to Nicaragua. The treaty has been made; for it needs no argument to show that the intent of the Congress was to insure a canal across Panama, and that whether the republic granting the title was called New Granada, Colombia, or Panama mattered not one whit. As events turned out, the question of “reasonable time” did not enter into the matter at all. Although, as the months went by, it became increasingly improbable that the Colombian Congress would ratify the treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not vanish until the Congress closed at the end of October; and within three days thereafter the revolution in Panama had broken out. Panama became an independent state, and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfillment. If the pending treaty with Panama should not be ratified by the Senate this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under existing legislation.

When in August it began to appear probable that the Colombian Legislature would not ratify the treaty it became incumbent upon me to consider well what the situation was and to be ready to advise the Congress as to what were the various alternatives of action open to us. There were several possibilities. One was that Colombia would at the last moment see the unwisdom of her position. That there might be nothing omitted, Secretary Hay, through the minister at Bogota, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty. Although it was a constantly diminishing chance, yet the possibility of ratification did not wholly pass away until the close of the session of the Colombian Congress.

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word reasonable in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed on the whole the most likely, and as a matter of fact I had made the original draft of my Message to the Congress with a view to its existence.

It was the opinion of eminent international jurists that in view of the fact that the great design of our guarantee under the treaty of 1846 was to dedicate the Isthmus to the purposes of interoceanic transit, and above all to secure the construction of an interoceanic canal, Colombia could not under existing conditions refuse to enter into a proper arrangement with the United States to that end, without violating the spirit and substantially repudiating the obligations of a treaty the full benefits of which she had enjoyed for over fifty years. My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

A third possibility was that the people of the Isthmus, who had formerly constituted an independent state, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own

hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Everyone knew that it was a possibility, but it was not until towards the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak and of its success. It was a matter of common notoriety. Quotations from the daily papers could be indefinitely multiplied to show this state of affairs; a very few will suffice. From Costa Rica on August 31 a special was sent to the Washington Post, running as follows:

SAN JOSÉ, COSTA RICA, *August 31.*

Travelers from Panama report the Isthmus alive with fires of a new revolution. It is inspired, it is believed, by men who, in Panama and Colon, have systematically engendered the pro-American feeling to secure the building of the Isthmian canal by the United States.

The Indians have risen, and the late followers of Gen. Benjamin Herrera are mustering in the mountain villages, preparatory to joining in an organized revolt, caused by the rejection of the canal treaty.

Hundreds of stacks of arms, confiscated by the Colombian Government at the close of the late revolution, have reappeared from some mysterious source, and thousands of rifles that look suspiciously like the Mausers the United States captured in Cuba are issuing to the gathering forces from central points of distribution. With the arms goes ammunition, fresh from factories, showing the movement is not spasmodic, but is carefully planned.

* * * * *

The Government forces in Panama and Colon, numbering less than 1,500 men, are reported to be a little more than friendly to the revolutionary spirit. They have been ill paid since the revolution closed and their only hope of prompt payment is another war.

General Huertes, commander of the forces, who is ostensibly loyal to the Bogota Government, is said to be secretly friendly to the proposed revolution. At least, all his personal friends are open in denunciation of the Bogota Government and the failure of the Colombian Congress to ratify the canal treaty.

The consensus of opinion gathered from late arrivals from the Isthmus is that the revolution is coming, and that it will succeed.

A special dispatch to the Washington Post, under date of New York, September 1, runs as follows:

B. G. Duque, editor and proprietor of the Panama Star and Herald, a resident of the Isthmus during the past twenty-seven years, who arrived to-day in New York, declared that if the canal treaty fell through a revolution would be likely to follow.

"There is a very strong feeling in Panama," said Mr. Duque, "that Colombia, in negotiating the sale of a canal concession in Panama, is looking for profits that might just as well go to Panama herself.

"The Colombian Government, only the other day, suppressed a newspaper that dared to speak of independence for Panama. A while ago there was a secret plan afoot to cut loose from Colombia and seek the protection of the United States."

In the New York Herald of September 10 the following statement appeared:

Representatives of strong interests on the Isthmus of Panama who make their headquarters in this city are considering a plan of action to be undertaken in cooperation with men of similar views in Panama and Colon to bring about a revolution and form an independent government in Panama opposed to that in Bogota.

There is much indignation on the Isthmus on account of the failure of the canal treaty, which is ascribed to the authorities at Bogota. This opinion is believed to be shared by a majority of the Isthmians of all shades of political belief, and they think it is to their best interest for a new republic to be formed on the Isthmus, which may negotiate directly with the United States a new treaty which will permit the digging of the Panama canal under favorable conditions.

In the New York Times, under date of September 13, there appeared from Bogota the following statement:

A proposal made by Señor Perez y Sotos to ask the Executive to appoint an anti-secessionist governor in Panama has been approved by the Senate. Speakers in the Senate said that Señor Obaldía, who was recently appointed governor of Panama, and who is favorable to a canal treaty, was a menace to the national integrity. Senator Marroquín protested against the action of the Senate.

President Marroquín succeeded later in calming the Congressmen. It appears that he was able to give them satisfactory reasons for Governor Obaldía's appointment. He appears to realize the imminent peril of the Isthmus of Panama declaring its independence.

Señor Deroux, representative for a Panama constituency,

recently delivered a sensational speech in the House. Among other things he said:

"In Panama the bishops, governors, magistrates, military chiefs, and their subordinates have been and are foreign to the department. It seems that the Government, with surprising tenacity, wishes to exclude the Isthmus from all participation in public affairs. As regards international dangers in the Isthmus, all I can say is that if these dangers exist they are due to the conduct of the national government, which is in the direction of reaction.

"If the Colombian Government will not take action with a view to preventing disaster, the responsibility will rest with it alone."

In the New York Herald of October 26 it was reported that a revolutionary expedition of about 70 men had actually landed on the Isthmus. In the Washington Post of October 29 it was reported from Panama that in view of the impending trouble on the Isthmus the Bogota Government had gathered troops in sufficient numbers to at once put down an attempt at secession. In the New York Herald of October 30 it was announced from Panama that Bogota was hurrying troops to the Isthmus to put down the projected revolt. In the New York Herald of November 2 it was announced that in Bogota the Congress had indorsed the energetic measures taken to meet the situation on the Isthmus and that 6,000 men were about to be sent thither.

Quotations like the above could be multiplied indefinitely. Suffice it to say that it was notorious that revolutionary trouble of a serious nature was impending upon the Isthmus. But it was not necessary to rely exclusively upon such general means of information. On October 15 Commander Hubbard, of the Navy, notified the Navy Department that, though things were quiet on the Isthmus, a revolution had broken out in the State of Cauca. On October 16, at the request of Lieutenant-General Young, I saw Capt. C. B. Humphrey and Lieut. Grayson Mallet-Prevost Murphy, who had just returned from a four months' tour through the northern portions of Venezuela and Colombia. They stopped in Panama on their return in the latter part of September. At the time they were sent down there had been no thought of their going to Panama, and their visit to the Isthmus was but an unpremeditated incident of their return journey; nor had they been spoken to by anyone at Washington regarding the possibility of a revolt. Until they landed at Colon they had no knowledge that a revolution was impending, save what they had gained from the newspapers. What they saw in Panama

so impressed them that they reported thereon to Lieutenant-General Young, according to his memorandum—

that while on the Isthmus they became satisfied beyond question that, owing largely to the dissatisfaction because of the failure of Colombia to ratify the Hay-Herran treaty, a revolutionary party was in course of organization having for its object the separation of the State of Panama from Colombia, the leader being Dr. Richard Arango, a former governor of Panama; that when they were on the Isthmus arms and ammunition were being smuggled into the city of Colon in piano boxes, merchandise crates, etc., the small arms received being principally the Gras French rifle, the Remington, and the Mauser; that nearly every citizen in Panama had some sort of rifle or gun in his possession, with ammunition therefor; that in the city of Panama there had been organized a fire brigade which was really intended for a revolutionary military organization; that there were representatives of the revolutionary organization at all important points on the Isthmus; that in Panama, Colon, and the other principal places of the Isthmus police forces had been organized which were in reality revolutionary forces; that the people on the Isthmus seemed to be unanimous in their sentiment against the Bogota Government, and their disgust over the failure of that Government to ratify the treaty providing for the construction of the canal, and that a revolution might be expected immediately upon the adjournment of the Colombian Congress without ratification of the treaty.

Lieutenant-General Young regarded their report as of such importance as to make it advisable that I should personally see these officers. They told me what they had already reported to the Lieutenant-General, adding that on the Isthmus the excitement was seething, and that the Colombian troops were reported to be disaffected. In response to a question of mine they informed me that it was the general belief that the revolution might break out at any moment, and if it did not happen before, would doubtless take place immediately after the closing of the Colombian Congress (at the end of October) if the canal treaty were not ratified. They were certain that the revolution would occur, and before leaving the Isthmus had made their own reckoning as to the time, which they had set down as being probably from three to four weeks after their leaving. The reason they set this as the probable inside limit of time was that they reckoned that it would be at least three or four weeks—say not until October 20—before a sufficient quantity of arms and munitions would have been landed.

In view of all these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus in the event of need arising. Orders were given on October 19 to the *Boston* to proceed to San Juan del Sur, Nicaragua; to the *Dixie* to prepare to sail from League Island; and to the *Atlanta* to proceed to Guantanamo. On October 30 the *Nashville* was ordered to proceed to Colon. On November 2 when, the Colombian Congress having adjourned, it was evident that the outbreak was imminent, and when it was announced that both sides were making ready forces whose meeting would mean bloodshed and disorder, the Colombian troops having been embarked on vessels, the following instructions were sent to the commanders of the *Boston*, *Nashville*, and *Dixie*:

Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

These orders were delivered in pursuance of the policy on which our Government had repeatedly acted. This policy was exhibited in the following orders, given under somewhat similar circumstances last year, and the year before, and the year before that. The first two telegrams are from the Department of State to the consul at Panama:

JULY 25, 1900.

You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panama. The bombardment of Panama would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the treaty.

NOVEMBER 20, 1901.

Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease and that the United States will prevent the interruption of traffic upon the railroad. Consult with captain of the *Iowa*, who will be instructed to land marines, if necessary, for the protection of the railroad, in accordance with the treaty rights and obligations of the United States. Desirable to avoid bloodshed, if possible.

The next three telegrams are from and to the Secretary of the Navy:

SEPTEMBER 12, 1902.

RANGER, *Panama*:

United States guarantees perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. * * * Any transportation of troops which might contravene these provisions of treaty should not be sanctioned by you nor should use of road be permitted which might convert the line of transit into theater of hostility.

MOODY.

COLON, *September 20, 1902.*

SECRETARY NAVY, *Washington*:

Everything is conceded. The United States guards and guarantees traffic and the line of transit. To-day I permitted the exchange of Colombian troops from Panama to Colon, about 1,000 men each way, the troops without arms in train guarded by American naval force in the same manner as other passengers; arms and ammunition in separate train, guarded also by naval force in the same manner as other freight.

MCLEAN.

PANAMA, *October 3, 1902.*

SECRETARY NAVY,
Washington, D. C.:

Have sent this communication to the American consul at Panama:

"Inform governor while trains running under United States protection I must decline transportation any combatants, ammunition, arms, which might cause interruption traffic or convert line of transit into theater hostilities."

CASEY.

On November 3 Commander Hubbard responded to the above-quoted telegram of November 2, 1903, saying that before the telegram had been received 400 Colombian troops from Cartagena had landed at Colon; that there had been no revolution on the Isthmus, but that the situation was most critical if the revolutionary leaders should act. On this same date the Associated Press in Washington received a bulletin stating that a revolutionary outbreak had occurred. When this was brought to the attention of the Assistant Secretary of State, Mr. Loomis, he prepared the following cablegram to the consul-general at Panama and the consul at Colon:

Uprising on Isthmus reported. Keep Department promptly and fully informed.

Before this telegram was sent, however, one was received from Consul Malmros at Colon, running as follows:

Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire department, Panama, 441, are well organized and favor revolution. Government vessel, *Cartagena*, with about 400 men, arrived early to-day with new commander in chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution.

This cablegram was received at 2.35 p. m., and at 3.40 p. m. Mr. Loomis sent the telegram which he had already prepared to both Panama and Colon. Apparently, however, the consul-general at Panama had not received the information embodied in the Associated Press bulletin, upon which the Assistant Secretary of State based his dispatch; for his answer was that there was no uprising, although the situation was critical, this answer being received at 8.15 p. m. Immediately afterwards he sent another dispatch, which was received at 9.50 p. m., saying that the uprising had occurred, and had been successful, with no bloodshed. The Colombian gunboat *Bogota* next day began to shell the city of Panama, with the result of killing one Chinaman. The consul-general was directed to notify her to stop firing. Meanwhile, on November 4, Commander Hubbard notified the Department that he had landed a force to protect the lives and property of American citizens against the threats of the Colombian soldiery.

Before any step whatever had been taken by the United States troops to restore order, the commander of the newly landed Colombian troops had indulged in wanton and violent threats against American citizens, which created serious apprehension. As Commander Hubbard reported in his letter of November 5, this officer and his troops practically began war against the United States, and only the forbearance and coolness of our officers and men prevented bloodshed. The letter of Commander Hubbard is of such interest that it deserves quotation in full, and runs as follows:

U. S. S. NASHVILLE, THIRD RATE,
Colon, U. S. Colombia, November 5, 1903.

SIR: Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department's attention to those of the date of Wednesday, November 4, which amounted to practically the making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o'clock p. m. on that date I was

summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad. The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents and held as prisoners, were not released by 2 o'clock p. m., he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested. I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to and I immediately returned on board, arriving at 1.15 p. m. The order for landing was immediately given, and at 1.30 p. m. the boats left the ship with a party of 42 men under the command of Lieut. Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panama Railroad steamer *City of Washington*, both ready to haul out from dock if necessary. The *Nashville* I got under way and patrolled with her along the water front close in and ready to use either small-arm or shrapnel fire. The Colombians surrounded the building of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great no shot was fired. At about 3.15 p. m. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension and that he would like to send the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed. At about 5.30 p. m. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill, if I would withdraw the *Nashville's* force and leave the town in possession of the police until the return of the alcalde on the morning of the 5th. After an interview with the United States consul and Colonel Shaler as to the probability of good faith in the matter, I decided to accept the proposition and brought my men on board, the dis-

parity in numbers between my force and that of the Colombians, nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperiled.

I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

I feel that I can not sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

Very respectfully,

JOHN HUBBARD,
Commander, U. S. Navy,
Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

In his letter of November 8 Commander Hubbard sets forth the facts more in detail:

U. S. S. NASHVILLE, THIRD RATE,
Porto Bello, U. S. Colombia, November 8, 1903.

SIR: 1. I have the honor to make the following report of the occurrences which took place at Colon and Panama in the interval between the arrival of the *Nashville* at Colon on the evening of November 2, 1903, and the evening of November 5, 1903, when by the arrival of the U. S. S. *Dixie* at Colon I was relieved as senior officer by Commander F. H. Delano, U. S. Navy.

2. At the time of the arrival of the *Nashville* at Colon at 5.30 p. m. on November 2 everything on the isthmus was quiet. There was talk of proclaiming the independence of Panama, but no definite action had been taken and there had been no disturbance of peace and order. At daylight on the morning of November 3 it was found that a vessel which had come in during the night was the Colombian gunboat *Cartagena* carrying between 400 and 500 troops. I had her boarded and learned that these troops were for the garrison at Panama. Inasmuch as the Independent party had not acted and the Government of Colombia was at the time in undisputed control of the Province of Panama, I did not feel, in the absence of any instructions, that I was justified in preventing the landing of these troops, and at 8.30 o'clock they were disembarked. The commanding officers, Generals Amaya and Tobal, with four others, immediately went over to Panama to make arrangements for receiving and quartering their troops, leaving the

command in charge of an officer whom I later learned to be Colonel Torres. The Department's message addressed to the care of the United States consul I received at 10.30 a. m.; it was delivered to one of the ship's boats while I was at the consul's and not to the consul as addressed. The message was said to have been received at the cable office at 9.30 a. m. Immediately on deciphering the message I went on shore to see what arrangements the railroad company had made for the transportation of these troops to Panama, and learned that the company would not transport them except on request of the governor of Panama, and that the prefect at Colon and the officer left in command of the troops had been so notified by the general superintendent of the Panama Railroad Company. I remained at the company's office until it was sure that no action on my part would be needed to prevent the transportation of the troops that afternoon, when I returned on board and cabled the Department the situation of affairs. At about 5.30 p. m. I again went on shore, and received notice from the general superintendent of the railroad that he had received the request for the transportation of the troops and that they would leave on the 8 a. m. train on the following day. I immediately went to see the general superintendent, and learned that it had just been announced that a provisional government had been established at Panama—that Generals Amaya and Tobal, the governor of Panama, and four officers, who had gone to Panama in the morning, had been seized and were held as prisoners; that they had an organized force of 1,500 troops and wished the Government troops in Colon to be sent over. This I declined to permit, and verbally prohibited the general superintendent from giving transportation to the troops of either party.

It being then late in the evening, I sent early in the morning of November 4 written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus. Copies of these letters are hereto appended; also copy of my notification to the consul. Except to a few people, nothing was known in Colon of the proceedings in Panama until the arrival of the train at 10.45 on the morning of the 4th. Some propositions were, I was later told, made to Colonel Torres by the representatives of the new Government at Colon, with a view to inducing him to reembark in the *Cartagena* and return to the port of Cartagena, and it was in answer to this proposition that Colonel Torres made the threat and took the action reported in my letter No. 96, of November 5, 1903. The *Cartagena* left the port just after the threat was made and I did not deem it

expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet. It is my understanding that she returned to Cartagena. After the withdrawal of the Colombian troops on the evening of November 4, and the return of the *Nashville's* force on board, as reported in my letter No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the commander of the Colombian troops had not withdrawn so far from the town as he had agreed, but was occupying buildings near the outskirts of the town. I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the alcalde due at 10.45 a. m., unless General Tobal sent word by the alcalde that he, Colonel Torres, should withdraw. That General Tobal had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, reoccupied the same building; also landed two 1-pounders and mounted them on platform cars behind protection of cotton bales, and then in company with the United States consul had an interview with Colonel Torres, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

Colonel Torres's only reply was that it was unhealthy at Monkey Hill, a reiteration of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

On the return of the alcalde at about 11 a. m. the Colombian troops marched into Colon, but did not assume the threatening demeanor of the previous day. The American women and children again went on board the *Marcomania* and *City of Washington*, and through the British vice-consul I offered protection to British subjects as directed in the Department's cablegram. A copy of the British vice-consul's acknowledgment is hereto appended. The *Nashville* I got under way as on the previous day and moved close in to protect the water front. During the afternoon several propositions were made to Colonel Torres by the representatives of the new Government, and he

was finally persuaded by them to embark on the Royal Mail steamer *Orinoco* with all his troops and return to Cartagena. The *Orinoco* left her dock with the troops—474 all told—at 7.35 p. m. The *Dixie* arrived and anchored at 7.05 p. m., when I went on board and acquainted the commanding officer with the situation. A portion of the marine battalion was landed and the *Nashville's* force withdrawn.

3. On the evening of November 4 Maj. William M. Black and Lieut. Mark Brooke, Corps of Engineers, U. S. Army, came to Colon from Culebra and volunteered their services, which were accepted, and they rendered very efficient help on the following day.

4. I beg to assure the Department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Very respectfully,

(Signed) JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

The SECRETARY OF THE NAVY,
Bureau of Navigation, Navy Department,
Washington, D. C.

This plain official account of the occurrences of November 4, shows that, instead of there having been too much prevision by the American Government for the maintenance of order and the protection of life and property on the Isthmus, the orders for the movement of the American war ships had been too long delayed; so long, in fact, that there were but forty-two marines and sailors available to land and protect the lives of American men and women. It was only the coolness and gallantry with which this little band of men wearing the American uniform faced ten times their number of armed foes, bent on carrying out the atrocious threat of the Colombian commander, that prevented a murderous catastrophe. At Panama, when the revolution broke out, there was no American man-of-war and no American troops or sailors. At Colon, Commander Hubbard acted with entire impartiality towards both sides, preventing any movement, whether by the Colombians or the Pan-

amans, which would tend to produce bloodshed. On November 9 he prevented a body of the revolutionists from landing at Colon. Throughout he behaved in the most creditable manner. In the New York Evening Post, under date of Panama, December 8, there is an article from a special correspondent, which sets forth in detail the unbearable oppression of the Colombian Government in Panama. In this article is an interesting interview with a native Panaman, which runs in part as follows:

* * * We looked upon the building of the canal as a matter of life or death to us. We wanted that because it meant, with the United States in control of it, peace and prosperity for us. President Marroquin appointed an Isthmian to be governor of Panama; and we looked upon that as of happy augury. Soon we heard that the canal treaty was not likely to be approved at Bogota; next we heard that our Isthmian governor, Obaldía, who had scarcely assumed power, was to be superseded by a soldier from Bogota. * * *

Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college where our children could be educated, nor do anything at all to advance our industries. * * * Well, when the new generals came we seized them, arrested them, and the town of Panama was in joy. Not a protest was made, except the shots fired from the Colombian gunboat *Bogota*, which killed one Chinese lying in his bed. We were willing to encounter the Colombian troops at Colon and fight it out; but the commander of the United States cruiser *Nashville* forbade Superintendent Shaler to allow the railroad to transport troops for either party. That is our story.

I call especial attention to the concluding portion of this interview which states the willingness of the Panama people to fight the Colombian troops and the refusal of Commander Hubbard to permit them to use the railroad and therefore to get into a position where the fight could take place. It thus clearly appears that the fact that there was no bloodshed on the Isthmus was directly due—and only due—to the prompt and firm enforcement by the United States of its traditional policy. During the past forty years revolutions and attempts at revolution have succeeded one another with monotonous regularity on the Isthmus, and again and again United States sailors and marines have been landed as they were landed in this instance and under similar instructions to protect the transit. One of these revolutions resulted in three years of warfare; and the aggregate of bloodshed and misery caused by them has been incalculable.

The fact that in this last revolution not a life was lost, save that of the man killed by the shells of the Colombian gunboat, and no property destroyed, was due to the action which I have described. We, in effect, policed the Isthmus in the interest of its inhabitants and of our own national needs, and for the good of the entire civilized world. Failure to act as the Administration acted would have meant great waste of life, great suffering, great destruction of property; all of which was avoided by the firmness and prudence with which Commander Hubbard carried out his orders and prevented either party from attacking the other. Our action was for the peace both of Colombia and of Panama. It is earnestly to be hoped that there will be no unwise conduct on our part which may encourage Colombia to embark on a war which can not result in her regaining control of the Isthmus, but which may cause much bloodshed and suffering.

I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panama declared themselves an independent Republic. Their recognition by this Government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of nonintervention, and as a corollary of that principle has generally been observed by the United States. But, like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion clear and imperative reasons why a departure from it was justified and even required in the present

instance. These reasons embrace, first, our treaty rights; second, our national interests and safety; and, third, the interests of collective civilization.

I have already adverted to the treaty of 1846, by the thirty-fifth article of which the United States secured the right to a free and open transit across the Isthmus of Panama, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory. This article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition. That our wise and patriotic ancestors, with all their dread of entangling alliances, would have entered into a treaty with New Granada solely or even primarily for the purpose of enabling that remnant of the original Republic of Colombia, then resolved into the States of New Granada, Venezuela, and Ecuador, to continue from Bogota to rule over the Isthmus of Panama, is a conception that would in itself be incredible, even if the contrary did not clearly appear. It is true that since the treaty was made the United States has again and again been obliged forcibly to intervene for the preservation of order and the maintenance of an open transit, and that this intervention has usually operated to the advantage of the titular Government of Colombia, but it is equally true that the United States in intervening, with or without Colombia's consent, for the protection of the transit, has disclaimed any duty to defend the Colombian Government against domestic insurrection or against the erection of an independent government on the Isthmus of Panama. The attacks against which the United States engaged to protect New Granadian sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the Isthmus to the purposes of free and unobstructed interoceanic transit, the consummation of which would be found in an interoceanic canal. To the accomplishment of this object the Government of the United States had for years directed its diplomacy. It occupied a place in the instructions to our delegates to the Panama Congress during the Administration of John Quincy Adams. It formed the subject of a resolution of the Senate in 1835, and of the House of Representatives in 1839. In 1846 its importance had become still more apparent by reason of the Mexican war. If the treaty of 1846 did not in terms bind New Granada to grant reasonable concessions for the

construction of means of interoceanic communication, it was only because it was not imagined that such concessions would ever be withheld. As it was expressly agreed that the United States, in consideration of its onerous guarantee of New Granadian sovereignty, should possess the right of free and open transit on any modes of communication that might be constructed, the obvious intent of the treaty rendered it unnecessary, if not superfluous, in terms to stipulate that permission for the construction of such modes of communication should not be denied.

Long before the conclusion of the Hay-Herran treaty the course of events had shown that a canal to connect the Atlantic and Pacific oceans must be built by the United States or not at all. Experience had demonstrated that private enterprise was utterly inadequate for the purpose; and a fixed policy, declared by the United States on many memorable occasions, and supported by the practically unanimous voice of American opinion, had rendered it morally impossible that the work should be undertaken by European powers, either singly or in combination. Such were the universally recognized conditions on which the legislation of the Congress was based, and on which the late negotiations with Colombia were begun and concluded. Nevertheless, when the well-considered agreement was rejected by Colombia and the revolution on the Isthmus ensued, one of Colombia's first acts was to invoke the intervention of the United States; nor does her invitation appear to have been confined to this Government alone. By a telegram from Mr. Beaupré, our minister at Bogota, of the 7th of November last, we were informed that General Reyes would soon leave Panama invested with full powers; that he had telegraphed the President of Mexico to ask the Government of the United States and all countries represented at the Pan-American Conference "to aid Colombia to preserve her integrity;" and that he had requested that the Government of the United States should meanwhile "preserve the neutrality and transit of the Isthmus" and should "not recognize the new Government." In another telegram from Mr. Beaupré, which was sent later in the day, this Government was asked whether it would take action "to maintain Colombian right and sovereignty on the Isthmus in accordance with article 35 [of] the treaty of 1846" in case the Colombian Government should be "entirely unable to suppress the secession movement there." Here was a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the treaty of 1846 as this Government has uniformly construed it, a new revolt against Colombia's authority brought about by her own

refusal to permit the fulfillment of the great design for which that treaty was made. It was under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the treaty a reality, recognized them as the proper custodians of the sovereignty of the Isthmus.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our international relations, I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defense. In transmitting to the Senate the treaty of 1846, President Polk pointed out as the principal reason for its ratification that the passage of the Isthmus, which it was designed to secure, "would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy." The events of the past five years have given to this consideration an importance immeasurably greater than it possessed in 1846. In the light of our present situation, the establishment of easy and speedy communication by sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity, which do not admit of indefinite delays.

To such delays the rejection by Colombia of the Hay-Herran treaty directly exposed us. As proof of this fact I need only refer to the programme outlined in the report of the majority of the Panama canal committee, read in the Colombian Senate on the 14th of October last. In this report, which recommended that the discussion of a law to authorize the Government to enter upon new negotiations should be indefinitely postponed, it is proposed that the consideration of the subject should be deferred till October 31, 1904, when the next Colombian Congress should have met in ordinary session. By that time, as the report goes on to say, the extension of time granted to the New Panama Canal Company by treaty in 1893 would have expired, and the new Congress would be in a position to take up the question whether the company had not, in spite of further extensions that had been granted by legislative acts, forfeited all its property and rights. "When that time arrives," the report

significantly declares, "the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession, both legally and materially." The naked meaning of this report is that Colombia proposed to wait until, by the enforcement of a forfeiture repugnant to the ideas of justice which obtain in every civilized nation, the property and rights of the New Panama Canal Company could be confiscated.

Such is the scheme to which it was proposed that the United States should be invited to become a party. The construction of the canal was to be relegated to the indefinite future, while Colombia was, by reason of her own delay, to be placed in the "more advantageous" position of claiming not merely the compensation to be paid by the United States for the privilege of completing the canal, but also the forty millions authorized by the act of 1902 to be paid for the property of the New Panama Canal Company. That the attempt to carry out this scheme would have brought Colombia into conflict with the Government of France can not be doubted; nor could the United States have counted upon immunity from the consequences of the attempt, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia, this Government would have been summoned to interpose, in order to give effect to the guarantees of the treaty of 1846; and all this in support of a plan which, while characterized in its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to the citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the Isthmus have become a matter of history.

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, receiving in return nothing but our honorable pledge to build the canal and protect it as an open

highway. It was in view of this pledge, and of the proposed enactment by the Congress of the United States of legislation to give it immediate effect, that the second Pan-American Conference, at the City of Mexico, on January 22, 1902, adopted the following resolution:

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.

Among those who signed this resolution on behalf of their respective governments was General Reyes, the delegate of Colombia. Little could it have been foreseen that two years later the Colombian Government, led astray by false allurements of selfish advantage, and forgetful alike of its international obligations and of the duties and responsibilities of sovereignty, would thwart the efforts of the United States to enter upon and complete a work which the nations of America, reechoing the sentiment of the nations of Europe, had pronounced to be not only "worthy of the greatness of the American people," but also "in the highest sense a work of civilization."

That our position as the mandatary of civilization has been by no means misconceived is shown by the promptitude with which the powers have, one after another, followed our lead in recognizing Panama as an independent State. Our action in recognizing the new Republic has been followed by like recognition on the part of France, Germany, Denmark, Russia, Sweden and Norway, Nicaragua, Peru, China, Cuba, Great Britain, Italy, Costa Rica, Japan, and Austria-Hungary.

In view of the manifold considerations of treaty right and obligation, of national interest and safety, and of collective civilization, by which our Government was constrained to act, I am at a loss to comprehend the attitude of those who can discern in the recognition of the Republic of Panama only a general approval of the principle of "revolution" by which a given government is overturned or one portion of a country separated from another. Only the amplest justification can warrant a revolutionary movement of either kind. But there is no fixed rule which can be applied to all such movements. Each case must be judged on its own merits. There have

been many revolutionary movements, many movements for the dismemberment of countries, which were evil, tried by any standard. But in my opinion no disinterested and fair-minded observer acquainted with the circumstances can fail to feel that Panama had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the entire civilized world by securing the immediate opportunity for the building of the inter-oceanic canal. It would be well for those who are pessimistic as to our action in peacefully recognizing the Republic of Panama, while we lawfully protected the transit from invasion and disturbance, to recall what has been done in Cuba, where we intervened even by force on general grounds of national interest and duty. When we interfered it was freely prophesied that we intended to keep Cuba and administer it for our own interests. The result has demonstrated in singularly conclusive fashion the falsity of these prophecies. Cuba is now an independent Republic. We governed it in its own interests for a few years, till it was able to stand alone, and then started it upon its career of self-government and independence, granting it all necessary aid. We have received from Cuba a grant of two naval stations, so situated that they in no possible way menace the liberty of the island, and yet serve as important defenses for the Cuban people, as well as for our own people, against possible foreign attack. The people of Cuba have been immeasurably benefited by our interference in their behalf, and our own gain has been great. So will it be with Panama. The people of the Isthmus, and as I firmly believe of the adjacent parts of Central and South America, will be greatly benefited by the building of the canal and the guarantee of peace and order along its line; and hand in hand with the benefit to them will go the benefit to us and to mankind. By our prompt and decisive action, not only have our interests and those of the world at large been conserved, but we have forestalled complications which were likely to be fruitful in loss to ourselves, and in bloodshed and suffering to the people of the Isthmus.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the Isthmus to those whom they regarded as oppressors, we shall, as in duty bound, keep the transit open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the treaty. For it is to be remembered

that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the Isthmus, so long as that sovereignty is not absorbed by the United States, rests upon some novel theory. No assumption could be further from the fact. It is by no means true that a state in declaring its independence rids itself of all the treaty obligations entered into by the parent government. It is a mere coincidence that this question was once raised in a case involving the obligations of Colombia as an independent state under a treaty which Spain had made with the United States many years before Spanish-American independence. In that case Mr. John Quincy Adams, Secretary of State, in an instruction to Mr. Anderson, our minister to Colombia, of May 27, 1823, said:

By a treaty between the United States and Spain concluded at a time when Colombia was a part of the Spanish dominions
* * * the principle that free ships make free goods was expressly recognized and established. It is asserted that by her declaration of independence Colombia has been entirely released from all the obligations by which, as a part of the Spanish nation, she was bound to other nations. This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character.

The principle thus asserted by Mr. Adams was afterwards sustained by an international commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent State of Texas of commercial stipulations embodied in prior treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far. Even if it be admitted that prior treaties of a political and commercial complexion generally do not bind a new state formed by separation, it is undeniable that stipulations having a local application to the territory embraced in the new state continue in force and are binding upon the new sovereign. Thus it is on all hands conceded that treaties relating to boundaries and to rights of navigation continue in force without

regard to changes in government or in sovereignty. This principle obviously applies to that part of the treaty of 1846 which relates to the Isthmus of Panama.

In conclusion let me repeat that the question actually before this Government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian canal.

I transmit herewith copies of the latest notes from the minister of the Republic of Panama to this Government, and of certain notes which have passed between the special envoy of the Republic of Colombia and this Government.

THEODORE ROOSEVELT.

WHITE HOUSE,

January 4, 1904.

DEPARTMENT OF STATE,

Washington, January 4, 1904.

THE PRESIDENT:

The undersigned, Acting Secretary of State, has the honor to lay before the President copies of the notes exchanged between General Reyes and the Secretary of State concerning this Government's attitude in case Colombian troops should be sent to the Republic of Panama; also copies of two notes addressed to this Department by the minister of the Republic of Panama at this capital, the first stating that it is the purpose of the Government of that Republic, as soon as its independence shall have been recognized by the Government of the Republic of Colombia, to assume a portion of the exterior debt of Colombia proportionate to the relative populations of the two Republics; the second in regard to the method of payment of the \$10,000,000, the payment of which by the United States to Panama is stipulated by the convention concluded between them on November 18, 1903.

Respectfully submitted.

FRANCIS B. LOOMIS,
Acting Secretary.

Inclosures.

From General Reyes, December 8, 1903.

To General Reyes, December 11, 1903.

To General Reyes, December 30, 1903.

From minister of Panama, December 31, 1903, two notes.

[Translation.]

LEGATION OF COLOMBIA ON SPECIAL MISSION,
ARLINGTON HOTEL,
Washington, D. C., December 8, 1903.

MR. SECRETARY: I have the honor to address your excellency for the purpose of stating respectfully that I have received from my Government instructions to inquire what attitude would be assumed by the Government of the United States in the event which may take place of Colombian troops or forces under the Colombian flag making their appearance on the isthmus, or attempting a landing on that territory, for the defense of the sovereignty and integrity of Colombia, and respecting the railroad line and the terminal points in accordance with the stipulation of the treaty of 1846, which my country is ever ready to observe.

I salute your excellency with my distinguished consideration.

RAFAEL REYES.

Hon. JOHN HAY,
Secretary of State of the United States,
Department of State.

No. 1.]

DEPARTMENT OF STATE,
Washington, December 11, 1903.

SIR: I beg leave to acknowledge your communication of December 8, in which you state that you have been directed by your Government to ask "what attitude would be assumed by the Government of the United States in the event, which may take place, of Colombian troops or forces under the Colombian flag making their appearance on the Isthmus, or attempting a landing in that territory for the defense of the sovereignty and integrity of Colombia. and respecting the railroad line and the terminal points, in accordance with the stipulation of the treaty of 1846, which my country is ever ready to observe."

I have quoted your question textually, and in reference to it I am instructed by the President to bring to the attention of your excellency the following facts: That the Republic of Panama proclaimed its independence on the 3d of last month; that in consequence of this movement the independence of Panama has been recognized by this Government and by many others; that a treaty has been signed between the United States and Panama, which has been ratified by the latter State and is now waiting ratification by the American Senate; that by the provisions of the said treaty the United States agrees to maintain the independence of the Republic of Panama; that although the treaty has not yet become law by the action of the Senate, there are already inchoate rights and duties created by it which place the responsibility of preserving peace and order on the isthmus in the hands of the Government of the United

States and of Panama, even if such responsibilities were not imposed by the historical events of the last fifty years.

In view of these facts I am instructed to say to your excellency that the Government of the United States would regard with the gravest concern any invasion of the territory of Panama by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panama.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Gen. RAFAEL REYES, *Etc.*

DEPARTMENT OF STATE,
Washington, December 30, 1903.

DEAR MR. MINISTER: I have received the letter which you have done me the honor to address me under date of yesterday, in which, obeying the instructions of your Government, you ask me to say whether the invasion of the territory of the Republic of Panama by Colombian soldiers will be considered by the United States as a declaration of war.

I beg to remind your excellency that when, on the 8th of December, you addressed a similar question to this Department I replied on the 11th, reciting the following facts:

That the Republic of Panama proclaimed its independence on the 3d of last month; that, in consequence of this movement, the independence of Panama has been recognized by this Government and by many others; that a treaty has been signed between the United States and Panama which has been ratified by the latter State and is now awaiting ratification by the American Senate; that by the provisions of the said treaty the United States agrees to maintain the independence of the Republic of Panama; that although the treaty has not yet become a law by the action of the Senate, there are already inchoate rights and duties created by it which place the responsibility of preserving peace and order on the Isthmus in the hands of the Government of the United States and of Panama, even if such responsibility were not imposed by the historical events of the last fifty years.

I then had the honor to inform you that—

The Government of the United States would regard with the gravest concern any invasion of the territory of Panama by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panama.

In reply to your question received yesterday, I can only reiterate what I had the honor to say on the 11th of this month, and to add that the time which has elapsed since then has only tended to deepen the painful impression which would be created in this country by the armed invasion of Panaman territory by Colombian troops, and the sense of the responsibility which would thereby be

imposed on the Government of the United States; but that the formal action we should take upon such a contingency must be determined by the circumstances of the case. I am instructed further to inform you that this Government has only the friendliest intentions toward Colombia, and will not lightly be provoked into assuming a hostile attitude toward that Republic.

I have, etc.,

JOHN HAY.

Gen. RAFAEL REYES, *Etc.*

The Minister of Panama to the Secretary of State.

THE LEGATION OF THE REPUBLIC OF PANAMA,
Washington, D. C., December 31, 1903.

DEAR SIR: The treaty of the 18th of November, 1903, provides for the payment to the Republic of Panama of the sum of \$10,000,000 after the exchange of ratifications.

The Government of the Republic of Panama has always been anxious to insure a proper and useful employment of said sum. The delegates of the government, Doctor Amador and Señor Don Frederico Boyd have repeatedly told me that the principle which the government intended to carry out for the employment of said sum was, not to invest any part of the capital in anything but consistent works which would permanently represent the counter value of the expenses incurred.

According to this principle the Government expressed the desire to take only \$2,000,000 out of the \$10,000,000 from the United States Treasury after exchange of ratifications, leaving the remaining \$8,000,000 in the United States Treasury to be later on employed according to the necessities of the future and to the principle which I explained above.

At the same time the Government desired that this sum should be productive of interest in order to help to obtain the equilibrium of the budget.

According to the recommendations that were made to me by the Government of the Republic, I was requested to ask the Government of the United States if it would accept to pay an interest of 3 per cent on the sum remaining in its hands out of the total sum of \$10,000,000 provided for in the treaty of the 18th of November.

The interest to be paid on the \$8,000,000 that the Government intends now to leave in the American Treasury would be \$240,000.

The expression of this desire of my Government came by mail after the signature of the treaty, and I did not feel justified at that moment to call your attention to this point on account of the more important matters which required your attention, but now that the situation has progressed and that the Treasury Department may be

considering the measures to be taken in the event of a prompt ratification of the treaty, I feel justified in submitting the case to your excellency so that if the United States Government thinks the intentions of the Republic of Panama in harmony with its own, a special convention may be drafted to settle this particular point.

I am, sir, with great respect, your very obedient servant,

P. BUNAU VARILLA.

His Excellency JOHN HAY,
Secretary of State, Washington, D. C.

The Minister of Panama to the Secretary of State.

LEGATION OF THE REPUBLIC OF
PANAMA AT WASHINGTON,
Washington, D. C., December 31, 1903.

DEAR SIR: I have the honor of bringing to your knowledge that by a telegram received during the night of the 21st of December, I have been authorized by my Government to declare that the Republic of Panama, as soon as its independence shall be recognized by the Republic of Colombia, intends to assume a part of Colombia's exterior debt of which the principal was settled at £2,000,000 by special convention and which is now accrued by the unpaid interest. The Republic of Panama has determined that the proportion of that debt it is ready to assume will be equal to the proportion between its population and the population of Colombia, a proportion which is not very far from 1 to 15.

I beg, sir, to call your attention to the fact that the Government of the Republic of Panama, in making such declaration, is actuated by the desire of showing its good faith and its liberality toward the citizens of foreign countries who may think they have a just claim against it rather than by the sentiment that by right they owe any part of the Colombian debt.

The distribution, according to the number of inhabitants of the two Republics, would be just only if it could be established, which is generally the case, that the money has been employed for the common utility of all the parts of the Republic and that Panama has enjoyed its share of it. On the contrary, this distribution is not just and ought not to be made in strict right if, as is the case, no part of the loans were ever employed for the benefit of the State of Panama, now the Republic of Panama. Since its union to greater Colombia, for the liberation of which said loans were made, the State of Panama has never received any money from the mother country, but, on the contrary, it has sent to it very important sums, and one can say, as a rule, that the funds never went from Bogota to Panama, but always from Panama to Bogota. It will be easy to establish that the Department of Panama is the creditor of Colombia and not

its debtor and that, therefore, it does not owe to Colombia anything neither for its external debt nor from any other cause.

This would have been a substantial and legal ground for non-assumption of any part of the Colombian debt, but, as I had the honor of stating to you, the Government of the Republic has felt itself bound to justify, not by arguments, but by facts, the testimony of confidence, esteem, and good will which have come from all the governments of the greatest nations of earth since the recent date of its birth.

I am, sir, with great respect, your very obedient servant,

P. BUNAU VARILLA.

His Excellency JOHN HAY,

Secretary of State, Washington, D. C.

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